

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on March 25, 2003.

The office action does not acknowledge the formal drawings filed on June 17, 2004. Accordingly, attached hereto is a copy of stamped postcard receipt of June 17, 2004 acknowledging receipt of the formal drawings. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. Inasmuch as the formal drawings are properly itemized on the postcard receipt, it is respectfully submitted that the formal drawings were filed. Acknowledgment thereof is respectfully requested.

Claims 1 – 15 and 17 are pending. Claim 16 has been canceled. Claims 1 - 13 have been allowed. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The office action objects to the drawings. Specifically, the office action requires that the drawings illustrate the measurements D3 and D4. New FIG. 16 illustrates D3 and D4. FIG. 16 is an extract of FIG. 1 (illustrating D1 and D2). To avoid overly cluttering FIG. 1 with D3 and D4, new FIG. 16 is added to illustrate D3 and D4. The specification has been amended to conform to the new figure. Approval is respectfully requested.

Also, the office action requires that FIG. 14 and FIG. 15 be labeled as "PRIOR ART." Accordingly, replacement sheets for FIG. 14 and FIG. 15 are submitted herewith.

The office action objects to the phrase "the engine side engagement section" as lacking antecedent basis. This phrase appears in claim 14. Antecedent basis is located in claim 14, line 3. Reconsideration and withdrawal of the objection is respectfully requested.

Also, the office action objects to claim 1 line 5, and requires that the word "head" be replaced with "neck." The requested revision is made by way of the above amendment.

Claims 14 – 16 were rejected under 35 USC 102(b) as being anticipated by Figure 14 of the present application. Independent claim 14 has been amended. Support for the amendment is located in the specification, for example, claim 16 and page 14, lines 16 – 18.

Insofar as the rejection may be applied to the claims as amended, the rejection is respectfully traversed for reasons including the following, which are provided by way of example.

The office action considers that Figure 14 discloses every feature recited in claim 14. With respect to claim 16, the office action states that:

[E]verything is 'fragile' according to a particular standard; element 109 will be destroyed if the collision is great enough. The collision load set forth in claim 14 has no objective standard; hence any load may read on it.

The office action asserts that Figure 14 of the present application anticipates the invention as claimed. To the contrary, Figure 14 of the present application fails to set forth each and every element found in the claims as amended. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2

USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Figure 14 of the present application fails to teach or suggest, for example, the "fragile portion with a rigidity less than a rigidity of portions other than the fragile portion, the fragile portion being destroyed when a collision load equal to or larger than the predetermined value is applied thereto." (See, e.g., claim 14.) To the contrary, the office action admits that Figure 14 does not provide a particular standard to determine fragility.

Figure 14 of the present application fails to teach or suggest, for example, these elements recited in independent claim 14. For at least these reasons, the combination of features recited in independent claim 14, when interpreted as a whole, is submitted to patentably distinguish over the prior art.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 14, but also because of additional features they recite in combination.

New claim 17 has been added to further define the invention, and is believed to be patentable for reasons including these set out above. Support for new claim 17 is located in the specification as filed, for example, page 14, lines 12 – 21.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shown any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



Cynthia K. Nicholson

Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400

AMENDMENTS TO THE DRAWINGS

The attached drawing sheets include includes changes to Fig. 14 and 15, and new drawing Fig. 16.

Attachment: Two Replacement Sheets, one New Sheet